

## REMARKS

This Response is submitted in reply to the Office Action dated June 1, 2007. Applicants amended 1, 8, 26 and 31. No new subject matter has been added to the claims. A One Month Petition for Extension of Time is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing in connection with this Response.

### **Claim Rejections – 35 USC §102**

The Office Action rejected claims 1-3, 26, 27, 29, 31, 32 and 34 under 35 USC §102(b) as being anticipated by Schaefer (U.S. patent 3,182,746). Claim 1 was amended to recite "a vocal sound receiver configured to receive a sound from the user, the sound having a sound level ... a sound regulator operatively coupled to the vocal sound receiver, the sound regulator configured to change the sound level to a different sound level; and an ear sound deliverer coupled to the second end of the sound director, the ear sound deliverer configured to: (a) cover all of the ear of the user; and (b) deliver the different sound level the ear of the user." Schaefer does not disclose such elements. Applicants submit that claims 1-3 are in condition for allowance.

Claim 26 was amended to recite "... (b) configuring a first portion of the device so that the first portion is operable to receive the vocal sound from the vocalist, the vocal sound having a sound level; (c) configuring the device to enable the sound level to be changed to a different sound level; (d) configuring a second portion of the device so that the second portion is operable to direct at least a portion of the different sound level towards a third portion of the device, wherein the second portion has a hollow shape; and (e) configuring the third portion of the device so that the third portion is operable to: (i) cover all of the ear; and (ii) direct the at least portion of the different sound level to the ear of the vocalist." Schaefer does not disclose such elements. Applicants submit that claims 26, 27 and 29 are in condition for allowance.

Claim 31 was amended to recite "... (b) configuring the mechanical head set so as to enable the user to input a vocal sound into the mechanical head set, the vocal sound having a sound level; (c) configuring the mechanical head set to include a

receiving portion of which is operable to receive the vocal sound; (d) configuring the mechanical head set to include a sound regulator positioned adjacent to the receiving portion, wherein the sound regulator is operable to change the vocal sound level to a different sound level; (e) configuring the mechanical head set so that the mechanical head set is operable to direct at least a portion of the different sound level from the receiving portion, through a hollow channel toward at least one ear of the user, wherein the ear has a perimeter and the perimeter defines a total area of the ear; and (f) configuring the mechanical head set so that the mechanical head set is operable to direct the at least portion of the different sound level to the total area of the ear." Schaefer does not disclose such elements. Applicants submit that claims 31, 32 and 34 are in condition for allowance.

#### **Claim Rejections – 35 USC §103**

Claims 4 and 8-15 are rejected under 35 USC §103(a) as being unpatentable over Schaefer (U.S. patent 3,182,746) in view of May (U.S. patent 2,998,497) or Golliher (U.S. patent 5,407,113).

Claim 4 depends from claim 1. Applicants submit that claim 4 is patentable over Schaefer, in combination with May or Golliher, for the reasons provided above with respect to claim 1. Therefore, Applicants submit that claim 4 is in condition for allowance.

Claim 8 was amended to recite "a vocal sound receiver defining at least one opening configured to receive a sound from the user, the sound having a sound level; a sound regulator positioned adjacent to the vocal sound receiver, the sound regulator configured to change the sound level to a different sound level; ... an ear sound deliverer coupled to the third hollow portion, the ear sound deliverer: (a) defining at least one opening sized to cover all of the ear of the user, the ear sound deliverer having a head engagement member; (b) having at least one head securing member coupled to the sound director; and (c) being configured to deliver the different sound level to the ear of the user." Applicants submit that Schaefer, in combination with May or Golliher,

does not disclose such elements. Applicants submit that claims 8-15 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

\_\_\_\_\_  
Renato L. Smith  
Reg. No. 45,117  
Cust. No. 24573

Dated: September 27, 2007